



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, DECEMBER 15, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Government Code section 54956.9(a)
Case Name: Wells Construction Group v. City of Morgan Hill et al.
Case Number: Santa Clara County 1-04-CV-030195

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Government Code section 54956.9(a)
Case Name: Arcadia Development Company v. City of Morgan Hill
Case Number: Santa Clara County No. 1-04-CV-020598

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Government Code section 54956.9(a)
Case Name: Flooring Solutions v. Wells Construction, et al.
Case Number: Santa Clara County No. 1-04-CV-031843

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: City of Morgan Hill v. Howard Vierra
Case Number: Santa Clara County Superior Court, Case No. 1-04-CV-026723

7:00 P.M.

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

- ITEM 1** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **EMERGENCY EXPENDITURE FOR WATER LINE REPAIR AT EAST DUNNE BOOSTER STATION**..... **1**
 Recommended Action(s):
 1. **Adopt** Resolution Declaring the Need for Emergency Expenditure for Repair Work to a High Pressure Water Line at East Dunne Booster Station; and
 2. **Approve** Funding in the Amount of \$28,000 for this Emergency Work.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



CITY COUNCIL STAFF REPORT

MEETING DATE: *December 15, 2004*

EMERGENCY EXPENDITURE FOR WATER LINE REPAIR AT EAST DUNNE BOOSTER STATION

RECOMMENDED ACTION(S):

1. Adopt attached resolution declaring the need for emergency expenditure for repair work to a high pressure water line at East Dunne Booster Station.
2. Approve funding the amount of \$28,000 for this emergency work.

EXECUTIVE SUMMARY: As Council is aware, on November 1, 2004 City staff became aware of a leak at the East Dunne Booster Station on the high pressure side of the water line that supplies water to Holiday Zone 1. On an emergency basis, City staff contacted a local contractor, solicited a time and materials proposal, and coordinated with the contractor to mobilize at the site. As the excavation progressed for exposing the leak, the saturated soils under the pump station collapsed causing the foundation to be exposed, jeopardizing the stability of the building.

City staff at the site contacted the Public Works Director, who directed that the station be shut down and the emergency work proceed to isolate the leak and stabilize the foundation. Water service was restored by the same evening. The total time of the water outage to the residents was from 5:00pm to 10:30pm. City water crew members distributed bottled water to all effected residents. Additional work was accomplished the next day to remove a section of the 12" concrete floor in the station and make the necessary repairs to the piping.

FISCAL IMPACT: Sufficient funds exist in our Operations budget for this repair under Contract Services 650-42231-5710.

Agenda Item #

Prepared By:

**Utility Systems
Manager**

Approved By:

Public Works Director

Submitted By:

City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL DECLARING THE NEED FOR AN EMERGENCY EXPENDITURE FOR REPAIR OF WATER LINE AT EAST DUNNE BOOSTER STATION IN ACCORDANCE WITH PUBLIC CONTRACT CODE 20168

WHEREAS, an emergency existed due to a leak in the water line at the East Dunne Booster Station discovered on November 1, 2004; and

WHEREAS, it was determined that the structural integrity of a high pressure water line and the substructure of the building had deteriorated to the point where immediate repair was necessary to avoid jeopardizing the stability of the building; and

WHEREAS, any further water leakage could have created great and extraordinary public calamity by exposing the residents of the City and adjacent unincorporated area to the potential threat of insufficient water supplies including insufficient fire flow due to an inoperable water pump station; now

THEREFORE, BE IT RESOLVED that the City Council of the City of Morgan Hill does resolve, determine and order the following:

1. The water line at the East Dunne Booster Station required emergency repair to prevent further water loss, insufficient fire flow, and structural damage to the building.
2. The immediate expenditure of public funds was necessary to safeguard life, health and property.
3. The sum of \$28,000 is hereby approved for expenditure for emergency water line repair.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 15th day of December, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CERTIFICATION

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. adopted by the City Council at the Regular City Council Meeting of December 15, 2004.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk